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LAW NOT ENFORCED.

The department of justice complains that there is difficulty in securing convictions in Alaska, says the Seattle P. I. Even in cases where the testimony is clear and unmistakable, and this fact is used as an argument to show the unfitness of the people of Alaska for self-government.

The complaint does not show whether the difficulty in securing convictions comes in cases where the crime charged is one recognized by the codes of all countries, or whether it is in cases of purely statutory crimes—the performance of acts which would not be offenses were it not that acts of congress make them such. This is the real gist of the matter.

The people of Alaska are denied the privilege of having any voice in the making of the laws under which they live. No equal number of white people, trained under free institutions, are so governed anywhere else in the world. They have no voice whatever in the election of the officers who execute the laws, or in the judges who interpret them. Their one and sole participation in the government under which they live is when, on occasion they are called upon to do jury duty; to sit in the trial of alleged offenders from among their own ranks, accused of the violation of laws in which they have had no share in the making; laws in many instances which they never would have made for themselves, had they been permitted to exercise the powers of self-government according to every other community of American citizens, of equal numbers, everywhere else where the American flag flies.

Here is one illustration: Congress in its wisdom undertook to prohibit the sale of liquor anywhere within the limits of the district of Alaska. This law was imposed on the people of Alaska from the outside. It was such a law as they would not have made for themselves. It could not be enforced, however, without the concurrence of juries drawn from among the people of Alaska. Those juries uniformly refused to concur in the enforcement of a law not suited to their condition; and they exercised the sole power of self-government which is permitted them by a jury veto upon a distasteful law, imposed upon them by a hypocritical congress. The same juries, however, which would not convict a man for selling liquor to white men in Alaska were prompt to convict in cases where liquor was sold to Indians. The law forbidding the sale of liquor to Indians appealed to them as a correct and proper piece of legislation, to which they were prepared to give their assent, as the general prohibition law did not.

It may be wrong, in some degree, for an Alaska jury to deliberately interpose a veto upon an act of congress, as Alaska juries have done and doubtless will continue to do. It is the fundamental principle upon which this government is founded, however, that the people shall govern themselves, under laws made for them by their accredited representatives. Every good citizen owes a loyal obedience to such laws. But the only voice which the people of Alaska have in the making or in the administration of the laws is the voice of the petty jury. Are they to be blamed for exercising this sole power of self-government which is left to them? Have they not a moral right to refuse to be parties to the conviction, sentence and imprisonment of their own fellows for disobedience to local laws which the people of Alaska would never have enacted for themselves, but which are thrust upon them from the outside?

It would seem that the people of Alaska have really demonstrated their fitness for self-government, by their actions in dealing with statutory offenses, which are not offenses elsewhere than in Alaska, and when the people of Alaska have had no voice whatever in the making of those statutes. The sentiments thus expressed are precisely the sentiments which actuated the founders of this government, when they refused obedience to statutes made by the British parliament.

RES JUDICATA.

The supreme court of Germany has a higher conception of the legal rights

of parties than do some justice courts of the United States. An important decision affecting those who buy oysters on the half shell at a restaurant, in the whole shell for the home, has just been rendered by no less a body than the supreme court, which may cause a regular raid on the oyster stalls and restaurants everywhere. In buying fried oysters at an Astoria oyster house, no one stands a chance of finding a pearl, but is more liable to find prunes cooked in a batter of cracker crumbs.

To be sure the decision was rendered in Germany, but it makes a precedent. A woman, dining with an escort at a Hamburg restaurant, bivalves on the half shell being part of the menu, found a pearl in her mouth, valued subsequently at \$750. Her cry of surprise "put" the restaurant keeper "wise," as the saying is, and he claimed the pearl. The woman rejected his claim, her escort sustained her, and suit followed, when, to the surprise of all, the court decided the pearl did not belong to the woman, nor yet to the restaurant, but to the escort, because he had paid for the oysters. If not to him, then to the oyster dealer who supplied the restaurant, and thence to the fisherman who took the oyster from its little bed originally, the restaurant not being "in it" at all.

This would seem to be good enough law, since the fisherman sold his catch as it came, the oyster dealer bought it "on sight unseen," as the boys used to say, and the restaurant man sold it in the same way, the buyer taking the chance of the oysters being good. The claim of the keeper that shells, chicken bones and such refuse left by customers, were, traditionally, the property of the restaurant, and a source of profit to the proprietor, was, of course, without legal foundation. A man has a right to all he pays for in a restaurant, and if he chooses to take away the oyster or clam shells he doesn't eat, or the chicken bones, to use in any way he sees fit, or to take away the unconsumed portion of his meal, no one can lawfully prevent him. The fact that a customer doesn't usually do so, doesn't prove he has no right to do it if he so elects. Usually a customer doesn't want to be bothered, and that is to the proprietor's profit.

The moral of this story seems to be that one should always take his or her oysters on the half shell, and never stewed or fried. Cooked pearls have no value at all.

And it would be interesting, from a narrative point of view, and irrespective of legal principles, to know whether the lady in the case got the pearl, how it was set, and when the affair is to come off. But that decision was a perfect legal gem, and no mistake.

OUT OF THE ORDINARY.

Epitome of Anecdotes and Incidents
With Comments By a Layman.

It may not take over a day for the Japanese to destroy the Russian fleet, but it will take the war correspondents a month to tell how it happened.

Has the Standard Oil Company a mortgage on Astoria, or have the people some rights this unscrupulous trust is bound to respect. It is up to the common council.

An old lady in Lynn, Mass., who has just passed her 103rd birthday, attributes her longevity to her total abstinence from gossip. This is the most plausible reason of the kind we have ever heard. It accounts why some of the women of Astoria die so young.

And now comes Castro of Venezuela and threatens to wipe the United States off the map. That's the kind of a bluff to make.

A farm hand near St. Paul, drank a small bottle of nitro-glycerine one cold day last February on a wager, froze to death while walking home, and exploded when efforts were made to thaw him out. One button, a boot heel and a piece of watch chain were all that were found of him.

"Ma what are the folks in our church gettin' up a subscription for?"
"To send our minister on a vacation to Europe this summer."
"An' won't there be no church while he's gone?"
"No preaching services, I guess."
"Ma, I got \$1.23 saved up in my bank. Can I give that?"

A prominent eastern shoe manufacturer declares that the women of the next generation will have larger feet. This is taken as another evidence of the growth of Chicago.

An eastern university professor has succeeded in hatching sea-urchins from unfertilized eggs. Now, if he could just hatch chickens from china eggs there might be something in it.

Anyway, Mr. Rockefeller can call it an observance of Lent and quit. He certainly succeeded in mortifying the flesh.

An indictment has been found against the city of Louisville. Just think of that! What can the Louisvillians have been doing now?

Fred Edwards, a New Hampshire milkman, aged 36, will wed Mrs. Nellie Edwards, wealthy, and only 60.

The old lady's relatives are making indignant protests at the manner in which they are to be cut out of her fortune. But Fred says he would marry her if she were twice as rich.

Mr. Bryan's paper may be just as good as Mr. Watson's magazine, but the women suffragists all agree that it hasn't half as pretty a cover.

"Prisoner at the bar, why did you assault this landlord?"

"Your honor, because I have several children he refused to rent me a flat."

"Well, that is his privilege."

"But, your honor, he calls his apartment house 'The Roosevelt.'"

"Case dismissed."

The brand new soul stood still and gazed about him with speechless wonder and delight.

"My!" is said, "ain't it nice to be up here in heaven? It's much, much finer than anything I ever dreamed of down on earth."

Another soul, one that had been a long time dead and was, therefore, a blasé resident, grinned at him sarcastically.

"Bet you lived in an Astoria boarding house on earth," it said.

"I did," said the new soul. "But how did you know?"

"Knew the minute I heard you say that you liked this place," returned the blasé soul; "for this ain't heaven—it's the other place."

PERSONAL MENTION.

Alex Tagg of Clatsop was in the city yesterday.

Judge Dan Flerson of Mishawauke is in the city.

J. C. Joy of Chehalis is registered at the Parker.

P. Nielsen of Portland is in the city on business.

R. M. Rou of Portland is in the city on business.

F. H. Miller of Clifton was in the city yesterday.

Ben Smith of Seaside was in the city yesterday.

Dorsey B. Smith of Ilwaco is in the city on business.

O. W. Rosendahl of Chinook was in the city yesterday.

R. E. Bradbury of Seaside was in the city yesterday.

B. Ferikender of Portland was in the city yesterday.

A. M. Simpson of South Bend is in the city on business.

T. G. Coleman of Portland is registered at the Occident.

F. R. Huber and wife of Portland are visiting in the city.

John A. Dalgryn of Denver is registered at the Occident.

William Pauline and wife of Duluth are registered at the Central.

F. R. Stokes returned yesterday from a business trip to Portland.

W. G. Prescott left for his home near Ashland yesterday morning.

W. S. Paige of Portland arrived in the city on last night's train.

Charles Woodcock of Portland was in the city yesterday on business.

G. C. Clark and wife of Seaside registered at the Occident yesterday.

C. E. Jackins of Seaside is in the city and is stopping at the Parker.

Dr. Stephen H. Wise, who has been visiting in Astoria, has returned to his home.

Jacob Kamm of Portland arrived down on last night's train and is registered at the Occident.

Cyrus E. Palmer, representing Blake & McCall of Portland, is in the city and is doing a land office business taking orders for this popular house.

William Pauline and wife of Duluth are registered at the Central.

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F. L. BISHOP, SecretaryA. L. FOX, Vice President,
ASTORIA SAVING BANK, Treas.Designers and Manufacturers of
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